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HOUSE BILL 660

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO ADOPTIONS; PROHIBITING ADVERTISING ADOPTION BY AN ENTITY NOT LEGALLY ENTITLED TO PLACE A CHILD FOR ADOPTION IN NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Adoption Act is enacted to read:

"[NEW MATERIAL] MARKETING ADOPTIONS ACROSS STATE BOUNDARIES PROHIBITED.--

A. A person shall not market adoption services unless the person is qualified under New Mexico law to place a child for adoption pursuant to the requirements for full disclosure in Section 32A-5-12 NMSA 1978.

B. Advertising of adoption services in New Mexico is permitted when the advertising is placed by:

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1 (1) a state child placement agency licensed by
2 the children, youth and families department;

3 (2) a state investigator or counselor
4 certified by the children, youth and families department to
5 provide adoption services;

6 (3) an attorney licensed in the state who
7 advertises legal services relating to adoption;

8 (4) a prospective adoptive parent acting on
9 the prospective adoptive parent's own behalf and who has a
10 current, approved pre-placement report as required by the
11 children, youth and families department; and

12 (5) an out-of-state agency not licensed in New
13 Mexico that has a written interagency agreement with a licensed
14 child placement agency; provided that the out-of-state agency
15 displays in its advertisement for adoption services the name of
16 a licensed child placement agency with which it has a written
17 interagency agreement.

18 C. For purposes of this section, "advertise" means
19 to communicate by public media originating or distributed in
20 New Mexico, including newspapers, periodicals, telephone book
21 listings, outdoor advertising, radio, television or another
22 electronic medium.

23 D. The attorney general may bring an action against
24 a person alleged to have violated the provisions of this
25 section.

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